

REMARKS

Reconsideration and allowance of this application are respectfully requested. Currently, claims 2-8, 10-14, 23-29, 31-35 and 43-54 are pending in this application.

Information Disclosure Statement:

A partially initialed Form PTO-1449 was returned with the Office Action. Cited references JP 60-7128 and “Low Cost ± 2 g/ ± 10 g Dual Axis iMEMS® Accelerometers with Digital Output” were not initialed on the returned Form PTO-1449. Applicant thus requests correction thereof. For the Examiner’s convenience, Applicant has submitted herewith a copy of the returned Form PTO-1449. Applicant respectfully requests that the Examiner fully initial the Form PTO-1449 as an indication that all cited references have been considered and then return the fully initialed Form PTO-1449.

Rejections Under 35 U.S.C. §112:

Claims 2-6, 10-14, 23-27 and 31-35 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The limitation “the game space” has been changed to --a game space-- in claims 2-4 and 23-25. Applicant submits that the claims provide a proper antecedent basis for all limitations. Applicant therefore respectfully requests that the rejection of 35 U.S.C. §112 be withdrawn.

Allowable Subject Matter:

The Office Action indicated that claims 43-44 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 43-44 have been rewritten in independent form. “Means” phraseology have been deleted from claims 43-44 and these claims now require at least one tilt detecting sensor rather than at least one acceleration sensor. Applicant submits that claims 43-44 are allowable.

Rejections Under 35 U.S.C. §103:

Claims 2-6, 10-14, 23-27 and 31-35 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mical et al (U.S. ‘647, hereinafter “Mical”) in view of Dao et al (U.S. ‘077, hereinafter “Dao”). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claimed limitations must be taught or suggested by the prior art. The combination of Mical and Dao fails to teach or suggest all of the claimed limitations. For example, the combination fails to teach or suggest a character control program which moves a character at a movement speed related to at least one of an amount and a direction of a tilt (claims 2 and 23), a movement (claims 3 and 24) or an impact (claims 4 and 25) applied to a housing held by a player.

Page 3, lines 18-20 of the Office Action admits “Mical lacks the explicit disclosure of change-state detection related to an amount of a change direction/tilt applied to the housing.” While Dao teaches cursor movement, Dao fails to teach or suggest the moving speed of the cursor being changed in accordance with an amount and/or the direction of tilt, movement or impact applied to a housing. Accordingly, even if Mical and Dao were combined, the combination would not have taught or suggested a character control program moving a character at a moving speed related to at least one of an amount and a direction of a tilt, movement or impact applied to a housing held by a player.

Accordingly, Applicant respectfully submits that claims 2-6, 10-14, 23-27 and 31-35 are not “obvious” over Mical and Dao and therefore respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

Claims 7-8 and 28-29 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mical in view of Dao and further in view of Saito (U.S. ‘438). Applicant traverses this rejection.

With respect to independent claims 7 and 28, page 6, lines 7-12 of the Office Action, states, inter alia, “the language of instant claims state...**when accommodated in said cartridge**. This language is not a clear indication that the changed-state detecting means is incorporated in the cartridge...” Independent claim 7 now requires “said changed-state detecting device is accommodated in said cartridge (emphasis added)” and independent claim 28 now requires “said

MASUYAMA et al.
Application No. 09/677,577
October 5, 2004

changed-state detector is accommodated in said cartridge (emphasis added).”

These features are not taught or suggested by the combination of Mical et al., Dao et al. and Saito. Applicant therefore respectfully request that the rejection of claims 7-8 and 28-29 be withdrawn.

New Claims:

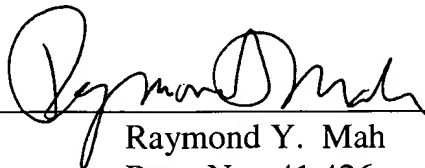
New dependent claims 45-54 have been added to provide additional protection for the invention. Applicant submits that these dependent new claims are allowable for at least the reasons discussed above with respect to their respective base claim.

Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Raymond Y. Mah
Reg. No. 41,426

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703)816-4044
Facsimile: (703)816-4100